

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

SEP 23 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 11-07-4259

JOHN ROY DOSSER, M.D.,)
LICENSE NO. 12685,)

Defendant.)

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, John Roy Dosser, M.D., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, John Roy Dosser, M.D., holds Oklahoma license no. 12685 and practices Obstetrics and Gynecology in Oklahoma City, Oklahoma.

IMPROPER SURGERY WITHOUT CONSENT
PATIENT MBL

3. On or about April 15, 2011, Patient MBL met with her urologist, Joseph Parkhurst, M.D. and determined that she desired to schedule a Total Abdominal Hysterectomy during the summer of 2011. Since she had no Gynecologist, Dr. Parkhurst referred her to Defendant for a consultation.

4. On or about May 2, 2011, Patient MBL met with Defendant to discuss the planned hysterectomy. During this surgical consult appointment, Defendant advised Patient MBL that during the procedure, he would be removing her ovaries.

5. After the surgical consult appointment, Patient MBL determined that she did not wish to have her ovaries removed during the hysterectomy. She then called Defendant's office and advised his nurse that she did not wish for her ovaries to be removed. Defendant's nurse advised her that she would speak with Defendant and would call her back. Defendant's nurse subsequently called the patient back and advised her that Defendant had told her that keeping the ovaries would be fine.

6. On or about June 6, 2011, Patient MBL presented for the surgery to be performed at Deaconess Hospital in Oklahoma City, Oklahoma. The patient did not see Defendant prior to being anesthetized. However, on the surgical consent form signed by the patient, she described the procedure to be to "remove uterus" and she specifically noted to **"leave healthy ovaries"**.

7. Defendant subsequently performed the total hysterectomy wherein he removed both the uterus **and the ovaries** of Patient MBL. On the Operative Report signed by Defendant, he noted that the "uterus, tubes, and ovaries were judged to be normal for the patient's age with the ovaries being atrophic".

8. On or about June 7, 2011, Defendant met with the patient at the hospital and advised her that he had removed her ovaries during the surgery. When she asked him why he had done so, he told her "Well, you won't miss 'em".

9. On or about June 8, 2011, Defendant again met with the patient at the hospital and she again asked him why he had removed her ovaries. At that time, he again told her she would not miss them, then told her they did not look good, that they looked pre-cancerous. Defendant's Operative Report does not reflect anything to support this assertion by Defendant.

10. On or about August 25, 2011, Board Investigator Jana Lane interviewed Defendant. At that time, Defendant admitted that he had made a mistake taking out the patient's ovaries. He admitted that he did not specifically recall if a timeout occurred during the procedure. He further admitted that he did remember that the patient had called his office prior to the procedure to make her wishes known to keep her ovaries.

11. Defendant is guilty of unprofessional conduct in that he:

A. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

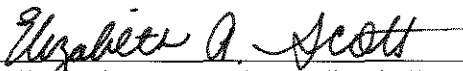
C. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

D. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,


Elizabeth A. Scott (OBA #12470)

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